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SUBJECT:        Procedures for Implementing Section 102 (2) (C) of the National  
                 Environmental Policy Act

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1. PURPOSE

This Logistics Instruction prescribes procedures for implementing Section 102 (2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Agency activities.

2. BACKGROUND

Section 102 (2) (C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will insure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations, and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, "Protection and Enhancement of Environmental Quality," implements the purpose and policy of this Act, and "Interim Guidelines," implementing its provisions, have been issued by the Council on Environmental Quality (CEQ).

3. PROCEDURES

The following procedures are established for complying with the Act:

- a. Officials Responsible for the Environmental Statements. Statements shall be prepared by the Director of Logistics, who has been designated as the responsible official referred to in Section 102 (2) (C) of the Act. The Chief, Real Estate and Construction Division, OL, will assist the D/L as required and provide appropriate technical competence to develop statements in a timely manner consistent with the actions identified in subparagraphs 3b, 3c, and 3d of this Instruction.

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- b. Identifying Agency Actions Requiring Environmental Statements. Environmental statements shall be provided when it is concluded that an Agency action will have a significant (by itself or cumulative) effect on the quality of the human environment. Dollar value alone is not a sufficient indicator; a small repair and improvement project may have significant impact on the environment. Actions requiring environmental statements will include, but not be limited to:
- (1) Awards of contracts or other agreements for repair, maintenance, or operation of a facility which may, through the processes involved, the residue caused or collected, and disposal thereof, adversely affect the environment.
  - (2) Acquisition of real property by lease, assignment, purchase, construction, or otherwise, the operation of which, by the process involved, adversely affect the environment.
  - (3) Actions involving the moving or displacement of people which would materially affect population density.
- c. Information for Environmental Statements. A broad spectrum of pertinent information shall be used in the preparation of the five-point environmental statement required by Section 102 (2) (C) of the Act. Special attention is to be given to the pro and con presentation of alternatives that relate to the short- and long-term environmental decisions. As part of these information gathering efforts, approaches being used by other Federal agencies to similar environmental problems will be examined with the view of utilizing a systematic and interdisciplinary approach.
- d. Content of Environmental Statement.
- (1) The following points are to be covered:
    - (a) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish, and other marine life, as well as the impact on historic, archaeological, architectural, and cultural resources. Both primary and secondary significant consequences for the environment should be included in the analysis.

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- (b) Any probable adverse environmental impact which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health, or other consequences adverse to the environmental goals set out in Section 101 (b) of P.L. 91-190).
  - (c) Alternatives to the proposed action (Section 102 (2) (D) of the Act) require the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their costs and impact on the environment should accompany the proposed action through the review process in order not to foreclose prematurely options which might have less detrimental effects.
  - (d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This requires assessment of the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.
  - (e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment.
  - (f) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved.
- (2) Each environmental statement shall be prepared in accordance with the precept in Section 102 (2) (A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

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e. Consulting with Federal, State, and Local Agencies. Where appropriate, prior to completing a detailed draft of an environmental statement, adequate consultation shall be made with the regional offices of the Federal agencies and such State and local agencies as have jurisdiction by law or expertise for specific areas of environmental quality.

f. Existing Projects and Programs. The Section 102 (2) (C) procedure shall be applied to further Agency actions having significant effect on the environment even though they arise from projects or programs initiated prior to enactment of P.L. 91-190.

4. PREPARATION AND SUBMISSION OF THE DRAFT TEXT OF ENVIRONMENTAL STATEMENT

a. Ten copies of draft environmental statements shall be forwarded to the CEQ by the responsible officer simultaneously with distribution for comment to relevant State and local agencies and the public, as appropriate.

b. A minimum of 30 days is to be allowed for agency comment (45 days for Environmental Protection Agency comment), followed by preparation of a final environmental statement.

5. PREPARATION AND SUBMISSION OF FINAL TEXT OF ENVIRONMENTAL STATEMENT

a. Any comments received from Federal, State, regional, or local officials shall be reconciled, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The environmental statement shall be revised to reflect, when appropriate, the additional data and comments obtained from those agencies. In any event, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process, together with the responsible official's recommended disposition of the issues involved, shall be appended to the final text of the environmental statement.

b. Ten copies of the final environmental statement shall be forwarded to the CEQ and other interested parties as in paragraph 4a, above.

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- c. To the maximum extent possible, no administrative action will be taken prior to 30 days after the final statement has been presented to the CEQ or sooner than 90 days after the submission of the draft statement as per paragraph 4a, above.

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Director of Logistics